



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ebertshauser

Serial No.: 09/751,199

Filed: January 2, 2001

For: METHOD, SYSTEM AND  
PROGRAM PRODUCT FOR  
MAINTAINING INFORMATION  
REGARDING AN ITEM

: Art Unit:  
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: Examiner:  
:  
:  
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**OFFICE OF PETITIONS**

**PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT OR, IN THE  
ALTERNATIVE, FOR REVIVAL OF AN UNINTENTIONALLY ABANDONED  
PATENT APPLICATION**

Box DAC  
Hon. Commissioner for Patents  
Washington, D.C. 20231

Pursuant to 37 C.F.R. § 1.181, MPEP 711.03(c) II, and 1156 OG 53, Applicant hereby petitions to withdraw holding of abandonment based on failure to receive an office communication.

The present application was transferred by GE Appliances (GE) to Armstrong Teasdale LLP (AT) in connection with GE requesting that AT take over docketing responsibility. In reviewing the approximately 383 files transferred, it was discovered by status checks that this application and approximately 42 other applications that were believed to be pending actually had a status of abandoned. Specifically, through a telephone status check to the USPTO, Applicant learned that the above-identified application has been held to be abandoned. More particularly, in the telephone status check, Applicant learned that a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION was mailed by the USPTO to Applicant on February 16, 2001. The undersigned has examined Applicant's file regarding the subject application and the file does not include a NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION nor a Notice Of

Abandonment. Additionally, attached is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

Applicant respectfully submits that Applicant's record is indicative of Applicant never receiving the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION. Accordingly, Applicant respectfully requests that the holding of abandonment be withdrawn. Specifically, Applicant requests that the signed declaration submitted herewith and the fee of \$130.00 under 37 C.F.R. § 1.16(e) submitted herewith be accepted and that the holding of abandonment be withdrawn. The foregoing request is consistent with 1156 OG 53 in that the request includes a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received, and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed is attached to and referenced in practitioner's statement.

Applicant believes that no fee is due for this petition and the Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$130.00 to deposit account 01-2384. If \$130.00 is not the correct fee, then the Commissioner is hereby authorized to charge the correct fee to deposit account 01-2384.

If the above petition under 37 C.F.R. § 1.181 is not granted, then pursuant to 37 C.F.R. §§ 1.316 and 1.137(b), and MPEP 711.03(c) III, Applicant hereby petitions to revive the subject patent application as unintentionally abandoned. The following authorizations and statements are provided in accordance with 37 C.F.R. 1.137(b):

- (1) Authorization to charge the late filing fee under 37 C.F.R. § 1.16(e) to a deposit account is set forth below in Paragraph (4).

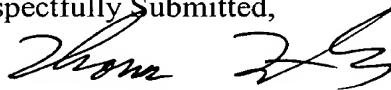
- (2) Authorization to charge the petition fee (37 C.F.R. 1.17(m)) is set forth below in Paragraph (4).
- (3) The entire delay in the filing of the required reply from the due date for the reply until the filing of this petition was unintentional.
- (4) Fees:
- |    |                                     |                    |
|----|-------------------------------------|--------------------|
| a. | Payment of the late filing fee      | \$ 130.00          |
| b. | Petition fee<br>(37 C.F.R. 1.17(m)) | <u>\$ 1,280.00</u> |
|    | TOTAL FEES DUE:                     | <u>\$ 1,410.00</u> |

The Commissioner is hereby authorized to charge payment of the total fees due in the amount of \$1,410.00, any deficiencies in the enclosed fees, or credit any overpayment, to Deposit Account No. 01-2384. (A duplicate of this petition is enclosed.)

- (5) Enclosed is a copy of the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION.
- (6) Enclosed is a signed declaration of Timothy Michael Ebertshauser.
- (7) Enclosed is a copy of GE's file folder where the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION would have been docketed had the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION been received and docketed.

For the reasons set forth above, Applicant respectfully requests that the holding of abandonment be withdrawn, or in the alternative, that the subject application be revived.

Respectfully Submitted,



Thomas M. Fisher, Reg. No. 47,564  
ARMSTRONG TEASDALE LLP  
One Metropolitan Square, Suite 2600  
St. Louis, Missouri 63102-2740  
(314) 621-5070

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ATTORNEY OF RECORD		T. E. Elertson		SERIAL NO.		09/75/199		DOCKETED		9D-EC-19347	
COMMITTEE RATING		TITLE		FILED		11/2/01		RECORDED		9/30/99	
DEPT. CHARGED		Methoxy System and Process Product for Maintaining		DIV. NO.		11/2/01		REEL		FRAME	
DEPT. OF ORIGIN		Information Regarding on New		ALLOWED				RELATED DIV. OR CONT.			
BUS. ADDR. OF INV.(S)		EXC'N DATE		SENT TO PATENT OFF.		ISSUED		G. E. CLASS NUMBER			
		BONUS NOTIFICATION		FILING FEE REQ.		SUPPL. OATH REQ.		FINAL FEE REQ.			
		INFO. TO IGE.									
ACTIONS				ACTIONS							
1 Filing Request				16							
2				17							
3				18							
4 IDS sent 6/14/01				19							
5				20							
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JUL 24 2002

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILED/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/751,199	01/02/2001	Tim Ebertshauser	9D-EC-19347-Ebertshauser

CONFIRMATION NO. 8539

## FORMALITIES LETTER



\*OC000000005771800\*

General Electric Company  
Appliance Park, 2-225  
Louisville, KY 40225

Date Mailed: 02/16/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

### Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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